

REMARKS

This Response is to the Final Office Action dated November 21, 2008. Claims 1 and 18 have been amended and Claims 25 to 28 have been added. No new matter was added by these amendments or new claims. Applicants respectfully believe these amendments place the claims in condition for allowance and that each of the claim amendments has been made to expedite prosecution and clarify the claims. Applicants submit herewith a Request for Continued Examination. Please charge Deposit Account No. 02-1818 for the Request for Continued Examination and any other amounts deemed due.

In the Office Action: (a) Claims 1, 2, 5 to 9 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0143352 A1 to Yang et al. ("*Yang*") in view of U.S. Patent No. 5,674,333 to Spencer ("*Spencer*"); (b) Claims 10 to 15 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Yang* and *Spencer* as applied to Claims 1, 2, 5 to 9 and 16 and further in view of U.S. Patent No. 4,832,773 to Shaposka et al. ("*Shaposka*"); (c) Claims 18 to 20, 22 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,596,122 to Savitski et al. ("*Savitski*") in view of *Shaposka*; and (d) Claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Savitski* and *Shaposka* and further in view of U.S. Publication No. 2003/0226631 to Sterud et al. ("*Sterud*").

Regarding the rejection of Claims 1, 2, 5 to 9 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Yang* in view of *Spencer*, Applicants have amended Claim 1 as explained below. Amended independent Claim 1 is directed to a method of connecting together two sections of tubing comprising the steps of: placing the two tubing sections in opposed, end-to-end relation so that axially facing surfaces of the tube sections at the ends are free from exposure to the surrounding environment; maintaining interior passages of the two tubing sections so as to be free from exposure to the surrounding environment until and during welding; positioning *a separate sheet* of material between the axial surfaces at the ends of the tubing sections, the sheet being formed of a material which absorbs energy of an electromagnetic beam; bringing the respective axially facing surfaces of the two tubing sections into engagement with the sheet, *the sheet not previously attached to either of the two sections of tubing prior to the connecting of the sections*; and directing the electromagnetic beam onto the sheet for welding the two sections of

tubing together. Support for the amendments to Claim 1 is found at least at paragraph [0040] of the specification.

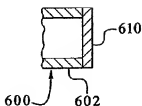
The Office Action referenced paragraph [0072] of *Yang*, which states:

[i]n applications that use at least one "drum head" end, this type of end responds to the laser in a similar manner as that described above regarding the opening of a sealed end tube. One example of the "drum head" end is as follows. *The film of the "drum head"* may have a higher concentration of dye than the tubing material. Thus, the film heats faster than the tubing material. The film melts and flows outward to the perimeter of the tube and combines with the tube. The film material may be made from a variety of polymer materials such as polyolefins, polyamides, polyesters, styrene and hydrocarbon copolymers and particularly block copolymers of styrene and dienes and their hydrogenated derivatives, ethylene and vinyl acetate copolymers, ethylene and methacrylic acid copolymers and their ester derivatives. The film may be made from a blend of these materials and can be a monolayer or multiple layer structure. For example, polypropylene, polypropylene-Kraton blend, polypropylene polyethylene blend, or other compatible material. [Emphasis added]

Also consider paragraph [0132] and Fig. 12 of *Yang*, below:

FIG. 12 shows the *tubing 600 with an end cap 610 hermetically sealed thereto*. The *end cap film 610* is a monolayer or multiple layer polymeric film that has a tubing contacting surface 611 that is adhesively compatible with the tubing 600. The end cap film can be formed by any suitable polymer processing technique including extrusion, coextrusion, extrusion lamination, lamination, injection molding and the like. The end cap film 610, in a preferred form of the invention, is attached with sufficient strength to an end surface of tubing to withstand a burst strength of 30 psi. Burst strength is measured by applying pressurized air through a tubing flowpath 613 to pressurize the tubing until the tubing or end cap ruptures or leaks. The end cap 610 can be dimensioned to exceed the dimension of the end of the tubing and excess material is wrapped around the tubing end where it is attached to the tubing sidewalls 602 to form the drum embodiment referred to above. It is also possible to dimension the cap 610 as shown in FIG. 12 to match the dimension of the end of the tubing and be attached only to the end portion of the tubing without any significant amount of excess material.

FIG.12



Yang on the other hand discloses an end cap that is already hermetically sealed to the end of a tube. *Yang* does not disclose positioning *a separate sheet* of material between the axial surfaces at the ends of the tubing sections, the sheet being formed of a material that absorbs energy of an electromagnetic beam and bringing respective axially facing surfaces of two tubing sections into engagement with a sheet, *the sheet not previously attached to either of the two sections of tubing prior to the connecting of the sections*. The Office Action acknowledged this in the Response to Arguments Section: “[t]his film sheet [in *Yang*] is attached to the actual tubing section . . .” Applicants’ amendment to Claim 1 clarifies the separate positioning of the sheet relative to the two tubing sections.

New Claims 25 and 27 are directed to the methods of Claims 1 and 18, wherein the sheet of material extends between a supply roll and a take-up roll. New Claims 26 and 28 are directed to the methods of Claims 25 and 27, which includes housing the supply roll in a sterile cassette. Support for these claims is found at least at paragraph [0041] of the specification. Just as *Yang* does not disclose the claimed separate sheet of material, *Yang* does not disclose the features of new Claims 25 to 28.

Spencer does not remedy the above deficiencies of *Yang*, nor does it disclose the features of Claims 25 to 28. For at least the above reasons, Applicants respectfully submit that Claims 1, 2, 5 to 9, 16 and 25 to 28 are patentable over the combination of *Yang* and *Spencer* and in condition for allowance.

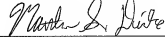
The patentability of Claims 1, 2, 5 to 9, 16 and 25 to 28 renders moot the obviousness rejection of Claims 10 to 15 and 23 as being unpatentable over *Yang* and *Spencer* as applied to Claims 1, 2, 5 to 9 and 16 and further in view of *Shaposka*; Claims 18 to 20, 22 and 24 as being

unpatentable over *Savitski* in view of *Shaposka*; and Claim 21 as being unpatentable over *Savitski* and *Shaposka* and further in view of *Sterud*.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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